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HOME DEPOT U.S.A., INC.

7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 OUTERBRIDGE ACCESS
11 ASSOCIATION, SUING ON BEHALF OF
DIANE CROSS; and DIANE CROSS, an
12 individual,

13 Plaintiffs,

14 vs.

15 HOME DEPOT U.S.A., INC. dba THE
HOME DEPOT #6679; MIRA MESA
16 MARKETPLACE WEST, LLC; and DOES
1 through 10, inclusive,

17 Defendants.
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CASE NO. 08CV 0046 JM JMA

NOTICE OF RELATED CASE

Local Rule 83-1.3.3

1 Pursuant to Local Rule 83-1.3.3, Defendant Home Depot U.S.A., Inc. ("Home Depot") discloses
2 that this action involves the same defendant the same allegations, and the same counsel in another action
3 pending in the San Diego Superior Court, to wit: Diane Cross v. Home Depot U.S.A., Inc. d.b.a. The
4 Home Depot #6679; Mira Mesa Marketplace West, LLC, and DOES 1 through 10, inclusive, Case No.
5 37-2008-00079957-CU-CR-CTL, filed on March 14, 2008.

6 The instant action and the *Cross* action involve the same defendant, the same claims, the same
7 legal counsel, and virtually the same exact allegations. The two cases also call for determination of the
8 same questions of law, and are likely to entail substantial duplication of labor if heard by different
9 judges. In each action, Plaintiffs claim that their rights under the Americans with Disabilities Act and
10 similar state laws were violated by Defendants.

11 For these reasons, Home Depot believes that related case transfer is warranted, and, therefore,
12 requests related case transfer, and files this Notice of Related Case in the interests of disclosure and for
13 the information of the Court.

14
15 DATED: April 1, 2008

GREENBERG TRAURIG, LLP

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17 By /s/Gregory F. Hurley
18 GREGORY F. HURLEY
19 ALANA R. CHO
20 Attorneys for Defendant
Home Depot U.S.A., Inc.
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PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **3161 Michelson Drive, Suite 1000, Irvine, CA 92612.**

On April 1, 2008, I served the **NOTICE OF RELATED CASE** with the Clerk of the United States District Court for the Southern District of California, using the CM/ECF System. The Court's CM/ECF System will send an email notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:

Pinnock & Wakefield, APC Theodore A. Pinnock David C. Wakefield Michelle L. Wakefield 3033 Fifth Avenue, Suite 410 San Diego, CA 92103 Email: theodorepinnock@pinnockwakefieldlaw.com; davidwakefield@pinnockwakefieldlaw.com; michellewakefield@pinnockwakefieldlaw.com;	Counsel for Plaintiffs OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS, and Diane Cross, as an individual
Milberg and De Phillips, P.C. 2163 Newcastle Avenue, Suite 200 Cardiff, California, 92007 Timothy G. McNulty E-mail: tmcnulty@surfnet.com	Counsel for Defendant MIRA MESA MARKETPLACE WEST, LLC

☒ **(BY ELECTRONIC SERVICE VIA CM/ECF SYSTEM)**

In accordance with the electronic filing procedures of this Court, service has been effected on the aforesaid party(s) above, whose counsel of record is a registered participant of CM/ECF, via electronic service through the CM/ECF system.

☒ **(FEDERAL)**

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 1, 2008, at Irvine, California.

/s/ Gregory F. Hurley
GREGORY F. HURLEY